

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

AMY BLANKENSHIP,)
Plaintiff,)
v.) Civil Action No. 3:22-cv-
NISSAN NORTH AMERICA, INC., and) JURY DEMAND
MB OF MURFREESBORO NISSAN,)
LLC,)
Defendants.)

NOTICE OF REMOVAL

COMES Defendant NISSAN NORTH AMERICA, INC. (“NNA”), and, pursuant to 15 U.S.C. § 2310(d)(1)(B) and 28 U.S.C. § 1446(b), respectfully shows the Court:

I. BACKGROUND

On September 15, 2022, NNA was served with a summons and Complaint, attached hereto as *Exhibit A*, in a case styled *Amy Blankenship v. Nissan North America, Inc., and MB of Murfreesboro Nissan, LLC*, Civil Action No. 22-CV-346 in the Circuit Court for Williamson County, Tennessee.

II. BASIS FOR REMOVAL

The Court has subject matter jurisdiction under 15 U.S.C. § 2310(d)(1)(B) because Plaintiff Amy Blankenship brings a claim under the Magnuson Moss Warranty-Federal Trade Commission Improvements Act, 15 U.S.C. § 2301, *et seq.* (the “Magnuson Moss Act”), and seeks damages in excess of \$50,000. Ms. Blankenship seeks compensatory damages in the amount of “at least \$55,307.00 plus interests [sic] paid on the loan, reasonable attorney fees and litigation costs, and

all other damages allowed by Tennessee law" on her Magnuson-Moss Act claim. (Compl. at Prayer for Relief, ¶ 3.)

The Court "may consider [a] state-law claim in computing whether the amount-in-controversy requirement is met" under the Magnuson Moss Act. *Harnden v. Jayco, Inc.*, 496 F.3d 579, 582 (6th Cir. 2007) (citing 15 U.S.C. § 2310(d)(3)(B)). Ms. Blankenship also asserts claims under the Tennessee Consumer Protection Act (Compl. at ¶¶ 26-30) for which she seeks the same compensatory damages as on her Magnuson-Moss Act claim plus treble damages. (*Id.* at Prayer for Relief, ¶ 4.) Thus, the amount in controversy on the Tennessee Consumer Protection Act claim is at least \$165,921.00 (three times \$55,307.00). This amount exceeds the \$50,000 amount in controversy required under the Magnuson Moss Act, 15 U.S.C. § 2310(d)(3)(B).

II. NNA HAS MET ALL PROCEDURAL REQUIREMENTS FOR REMOVAL

This Notice of Removal is filed within 30 days of service of the Summons and Complaint on NNA. Other than the Summons and Complaint, NNA has not been served with any other pleadings or papers in this case. NNA understands that the court file in the Circuit Court for Williamson County, Tennessee contains the Complaint, summonses to both defendants, and nothing else. Defendant MB of Murfreesboro Nissan, LLC, need not consent to removal because it has not been served. 28 U.S.C. § 1446(b)(2)(A). A true copy of this Notice of Removal is concurrently filed with the Circuit Court for Williamson County, Tennessee, as required by 28 U.S.C. §1446(d).

WHEREFORE, Defendant NISSAN NORTH AMERICA, INC., gives notice that the action now pending against it in the Circuit Court for Williamson County, Tennessee has been removed therefrom to this Court.

Dated the 12th day of October, 2022.

Respectfully submitted,

LEWIS THOMASON, P.C.

By: /s/ Ryan N. Clark

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Attorneys for Defendant Nissan North America, Inc.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and exact copy of the forgoing Notice of Removal has been served upon the counsel for the represented party in interest herein and on the unrepresented party by United States Mail, first class postage prepaid:

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Memphis, Tennessee 38134

Attorneys for Plaintiff

Dated the 12th day of October, 2022.

/s/ Ryan N. Clark

Ryan N. Clark